

AO 441 (Rev. 8/01) Third Party Summons in a Civil Action

# UNITED STATES DISTRICT COURT

Southern

District of

New York

PLAINTIFF

JOSE BARBERAN

## THIRD PARTY SUMMONS IN A CIVIL ACTION

V. DEFENDANT AND THIRD PARTY PLAINTIFF

WORLD SAVINGS BANK, FSB, a/k/a WORLD  
SAVINGS BANK, FSB, A FEDERAL SAVINGS  
BANK, ISAOA; UNKNOWN OWNERS OF THE  
EVIDENCE OF THE DEBT and/or OWNERS OF  
THE NOTE

Case Number: 07-CV-8821 (CLB) (MDF)

V. THIRD PARTY DEFENDANT

MONARCH MORTGAGE SERVICES, LLC and  
ADAM C. KANDELL

To: Name and address of Third Party Defendant

MONARCH MORTGAGE SERVICES, LLC  
377 Route 17 South  
Hasbrook Heights, NJ 07604

**YOU ARE HEREBY SUMMONED** and required to serve on

PLAINTIFF'S ATTORNEY (name and address)

Jose Barberan, Pro Se  
72 N. State Street  
Box 103  
Briarcliff Manor, NY 10510

DEFENDANT AND THIRD-PARTY PLAINTIFF'S ATTORNEY  
(name and address)

Donohue, McGahan, Catalano & Belitsis  
555 North Broadway  
PO Box 350  
Jericho, NY 11753

Rosner Nocera & Ragone LLP  
110 Wall Street, 23rd Floor  
New York, NY 10005

an answer to the third-party complaint which is served on you with this summons, within 20 days after the service of this summons on you, exclusive of the day of service. If you fail to do so, judgment by default may be taken against you for the relief demanded in the third-party complaint. There is also served on you with this summons a copy of the complaint of the plaintiff. You have the option of answering or not answering the plaintiff's complaint, *unless* (1) this is a case within Rule 9(h) Federal Rules of Civil Procedure, *and* (2) the third-party plaintiff is demanding judgment against you in favor of the original plaintiff under the circumstances described in Rule 14(c) Federal Rules of Civil Procedure, in which situation you are required to make your defenses, if any, to the claim of plaintiff as well as to the claim of the third-party plaintiff. Any answer that you serve on the parties to this action must be filed with the Clerk of this Court within a reasonable period of time after service.

J. MICHAEL McMAHON

DEC 21 2007

CLERK

DATE

(By) DEPUTY CLERK

UNITED STATES DISTRICT COURT SOUTHERN DISTRICT OF NEW YORK

JOSE BARBERAN

AFFIDAVIT OF SERVICE

V. Defendant and Third Party Plaintiff

CASE# 07-CV-8821 (CLB) (MDF)

WORLD SAVINGS BANK, FSB, ET. AL.

V. Third Party Defendant

MONARCH MORTGAGE SERVICES, LLC,  
ET. ANO.

STATE OF NEW YORK  
COUNTY OF ALBANY

ss:

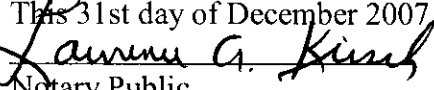
MARIA SCHMITZ, being duly sworn deposes and says that deponent is over the age of eighteen years and is not a party in this proceeding. Deponent served duplicate copies of the Third-Party Summons in a Civil Action and Third-Party Complaint upon MONARCH MORTGAGE SERVICES, LLC, an authorized foreign limited liability company, in the above entitled proceeding, such service having been made in the following manner, stated herein, and said person being authorized by the Secretary of State to receive such service, at the office of the Department of State in the city of Albany, New York, duplicate copies thereof together with the sum of \$40.00 (forty dollars), the statutory fee.

TAMMY ALEXANDER  
NYS Department of State  
Division of Corporations  
41 State Street, Second Floor  
Albany, New York 12231  
December 31, 2007 at 1:55 p.m.

By delivering to and leaving with TAMMY ALEXANDER, the agent for service on the person in this proceeding as designated under Rule 318 CPLR. Service having been made to such person at the place, time and date stated above.

Deponent further states upon information and belief that said person so served is not in the Military service of the State of New York or of the United States as the term is defined in either the State or Federal Statutes.

Deponent further states that she describes the person actually served as follows:  
Black female with black hair, brown eyes, approximately 36 years of age, 5'7" and 165 lbs.

Sworn to before me  
This 31st day of December 2007,  
  
Notary Public

  
MARIA SCHMITZ

LAWRENCE A. KIRSCH  
Notary Public, State of New York  
No. 4787475  
Qualified in Albany County  
Commission Expires May 31, 2011

State of New York - Department of State  
Receipt for Service

Receipt #: 200801030184

Date of Service: 12/31/2007

Service Company: 14 GERALD WEINBERG, INC. - 14

Cash #: 200801030146

Fee Paid: \$40 - DRAWDOWN

Service was directed to be made pursuant to: SECTION 303 OF THE LIMITED  
LIABILITY COMPANY LAW

Party Served: MONARCH MORTGAGE SERVICES, LLC

Plaintiff/Petitioner:

WORLD SAVINGS BANK, FSB

Service of Process Address:

C/O ROBERT GORMAN

3 BOLTON DRIVE

LONG VALLEY, NJ 07853

Secretary of State  
By TAMMY ALEXANDER